

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JAMILA KILLINGSWORTH
2807 Roosevelt Avenue
Richmond, CA 94804

Pharmacy Technician
Registration No. TCH 50820

Respondent.

Case No. 3113

OAH No. N2007120567

DECISION AND ORDER

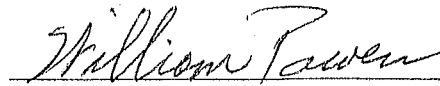
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 9, 2008.

It is so ORDERED April 10, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS

Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
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6 Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 JAMILA KILLINGSWORTH
2807 Roosevelt Avenue
12 Richmond, CA 94804

13 Pharmacy Technician
14 Registration No. TCH 50820

15 Respondent.

Case No. 3113

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**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 In the interest of a prompt and speedy resolution of this matter, consistent with the
17 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,
18 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
19 submitted to the Board for approval and adoption as the final disposition of the Accusation.
20

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
23 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A.
25 Room, Deputy Attorney General.

26 2. Jamila Killingsworth (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

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1 13. The surrender of Respondent's Pharmacy Technician Registration and the
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a
4 part of Respondent's license history with the Board.

5 14. Respondent shall lose all rights and privileges as a Pharmacy Technician
6 in California as of the effective date of the Board's Decision and Order.

7 15. Respondent shall cause to be delivered to the Board her License, wall and
8 pocket license certificate(s), on or before the effective date of the Decision and Order.

9 16. Respondent may not apply, reapply, or petition for any licensure or
10 registration of the Board for three (3) years from the effective date of the Decision and Order.

11 17. Respondent understands and agrees that if she ever applies for licensure or
12 petitions for reinstatement in the State of California, the Board shall treat it as a new application
13 for licensure. Respondent must comply with all laws, regulations and procedures for licensure in
14 effect at the time an application or petition is filed, and all the charges and allegations contained
15 in First Amended Accusation No. 3113 shall be deemed to be true, correct and admitted by
16 Respondent when the Board determines whether to grant or deny the application or petition.

17 18. Should Respondent ever apply or reapply for a new license or certification,
18 or petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in First Amended Accusation No. 3113
20 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
21 of Issues or any other proceeding seeking to deny or restrict licensure.

22 19. Respondent shall pay the Board its costs of investigation and enforcement
23 in the amount of \$3,000.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 2-21-08



JAMILA KILLINGSWORTH
Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 2/25/08

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General



JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 3113

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 JAMILA Z. KILLINGSWORTH
1424 Contra Costa Avenue
13 San Pablo, CA 94806
14 Pharmacy Technician
Registration No. TCH 50820

Respondent.

Case No. 3113

OAH No. N2007120567

FIRST AMENDED ACCUSATION

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about October 1, 2003, the Board of Pharmacy issued Pharmacy
22 Technician Registration Number TCH 50820 to Jamila Z. Killingsworth (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on November 30, 2008, unless renewed.

25 JURISDICTION

- 26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1
2 “(j) The violation of any of the statutes of this state or of the United States
3 regulating controlled substances and dangerous drugs.

4
5 “(l) The conviction of a crime substantially related to the qualifications, functions,
6 and duties of a licensee under this chapter. . . .

7
8 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or
9 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
10 applicable federal and state laws and regulations governing pharmacy, including regulations
11 established by the board.

12 8. California Code of Regulations, title 16, section 1770, provides that a
13 crime or act shall be considered substantially related to the qualifications, functions or duties of a
14 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
15 licensee or registrant to perform the functions authorized by his license or registration in a
16 manner consistent with the public health, safety, or welfare.

17 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any
18 dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

19 10. Section 4060 of the Code provides, in pertinent part, that no person shall
20 possess any controlled substance, except that furnished upon a valid prescription/drug order.

21 11. Health and Safety Code section 11170 provides that no person shall
22 prescribe, administer, or furnish a controlled substance for himself or herself.

23 12. Health and Safety Code section 11173, subdivision (a), provides that no
24 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
25 the administration of or prescription for controlled substances, (1) by fraud, deceit,
26 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

27 13. Health and Safety Code section 11357, in pertinent part, makes it unlawful
28 for any person to possess **marijuana** or concentrated cannabis.

1 14. Health and Safety Code section 11359 makes it unlawful for any person to
2 possess **marijuana** for sale.

3 15. Health and Safety Code section 11360, in pertinent part, makes it unlawful
4 for any person to transport, import into this state, sell, furnish, administer, give away, to offer to
5 transport, import into this state, sell, furnish, administer, or give away, or to attempt to import
6 into this state or transport, any **marijuana**.

7 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

8 16. Section 4021 of the Code states:

9 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing
10 with Section 11053) of Division 10 of the Health and Safety Code.”

11 17. Section 4022 of the Code states, in pertinent part:

12 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
13 self-use, except veterinary drugs that are labeled as such, and includes the following:

14 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
15 without prescription,’ ‘Rx only,’ or words of similar import.

16 ...

17 “(c) Any other drug or device that by federal or state law can be lawfully
18 dispensed only on prescription or furnished pursuant to Section 4006.”

19 18. **Marijuana** is a Schedule I controlled substance as designated by Health
20 and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and
21 Professions Code section 4022. It is a hallucinogenic drug.

22 COST RECOVERY

23 19. Section 125.3 of the Code provides, in pertinent part, that the Board may
24 request the administrative law judge to direct a licentiate found to have committed a violation of
25 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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1 FACTUAL BACKGROUND

2 20. On or about August 29, 2005, Respondent was driving her automobile and
3 was stopped by Suisun City Police for driving at an unsafe speed/above the speed limit. During
4 the traffic stop, in response to questioning by the officer(s), Respondent revealed that she was in
5 possession of 22 baggies of **marijuana** located under the driver's seat of the vehicle.

6 21. After a police search of the vehicle found a larger plastic bag containing
7 22 smaller plastic baggies containing approximately 17 grams of what was later confirmed to be
8 **marijuana**, Respondent explained to the officer(s): that she had purchased the **marijuana** at a
9 cannabis club in Berkeley using a medical marijuana (cannabis club) card; that every so often she
10 would purchase approximately an ounce of **marijuana** from the club to sell to friends/associates;
11 that she did so using her medical marijuana card and the club did not know about her resales; that
12 she sold the **marijuana** as a side job in order to supplement her income; and that she smoked the
13 **marijuana** herself on an occasional basis, up to approximately once per week.

14 22. Respondent also admitted to earlier consumption of three (3) beers. After
15 Respondent failed a field sobriety test, she was placed under arrest on suspicion of driving under
16 the influence (Vehicle Code, § 23152, subd. (a)), a misdemeanor, possessing **marijuana** for sale
17 (Health and Safety Code, § 11359), a felony, transporting **marijuana** for sale (Health and Safety
18 Code, § 11360, subd. (a)), a felony, and unsafe speed (Vehicle Code, § 22350), an infraction.

19
20 FIRST CAUSE FOR DISCIPLINE

21 (Conviction of Substantially Related Crime)

22 23. Respondent is subject to discipline under section 4301(l) of the Code by
23 reference to California Code of Regulations, title 16, section 1770, in that on or about June 12,
24 2006, in a criminal case titled *People v. Jamila Z. Killingsworth*, Case No. FCR227049 in Solano
25 County Superior Court, Respondent was convicted by plea of *nolo contendere* of: (1) violating
26 Health and Safety Code section 11360, subdivision (b) [transporting **marijuana** for sale], a
27 misdemeanor; and (2) violating Vehicle Code section 23103.5 [reckless driving], a misdemeanor.
28 The conviction was entered in the Solano County Superior Court as follows:

1 a. Following her arrest on or about August 29, 2005, described in paragraphs
2 20-22 above, on or about September 16, 2005 Respondent was charged by Felony Complaint in
3 Solano County Superior Court, Case No. FCR227049, with: (1) violating Health and Safety Code
4 section 11359 [possession of **marijuana** for sale], a felony; (2) violating Health and Safety Code
5 section 11360, subdivision (b) [transportation of not more than 28.5 grams of **marijuana** other
6 than concentrated cannabis], a misdemeanor; and (3) violating Vehicle Code section 23152,
7 subdivision (a) [driving under the influence of alcohol or drugs], a misdemeanor;

8 b. On or about June 12, 2006, the Complaint was amended on motion of the
9 District Attorney to add a fourth count, for (4) violating Vehicle Code section 23103.5 [reckless
10 driving], a misdemeanor. On that same date, Respondent pleaded *nolo contendere* to counts (2)
11 and (4), both misdemeanors. Counts (1) and (3) were dismissed pursuant to the plea.

12 c. On or about June 12, 2006, based on her *nolo contendere* plea the Superior
13 Court found Respondent guilty, accepted her plea as free and voluntary, and found a factual basis
14 for the plea and waiver of rights. Imposition of sentence was suspended and Respondent was
15 placed on summary probation for a period of three (3) years on terms and conditions including 30
16 days in county jail (or alternative monitoring) with 2 days credit for time served, fines and fees,
17 search and seizure conditions, alcohol testing upon demand, alcohol education, and abstention.

18 SECOND CAUSE FOR DISCIPLINE

19 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

20 24. Respondent is subject to discipline under section 4301(f) of the Code in
21 that, as described in paragraphs 20-23 above, Respondent committed acts involving moral
22 turpitude, dishonesty, fraud, deceit, or corruption.

23 THIRD CAUSE FOR DISCIPLINE

24 (Unlawful Self-Administration of Controlled Substance)

25 25. Respondent is subject to discipline under section 4301(h), (j), and/or (o) of
26 the Code, section 4059 of the Code, and/or Health and Safety Code section 11170, in that
27 Respondent, as described in paragraphs 20-23 above, unlawfully furnished and/or administered
28 to herself unknown quantities of **marijuana**, a controlled substance and dangerous drug.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unlawful Transport of Controlled Substance)

3 30. Respondent is subject to discipline under section 4301(j) and/or (o) of the
4 Code, and/or Health and Safety Code section 11360, in that Respondent, as described in
5 paragraphs 20-23 above, unlawfully transported, conspired to transport, and/or assisted in or
6 abetted the transportation of unknown quantities of **marijuana**.

7 NINTH CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct)

9 31. Respondent is subject to disciplinary action under section 4301 of the
10 Code in that Respondent, by way of the conduct described in paragraphs 20-30 above, engaged in
11 "unprofessional conduct" not becoming the profession of pharmacy.

12
13 PRAYER

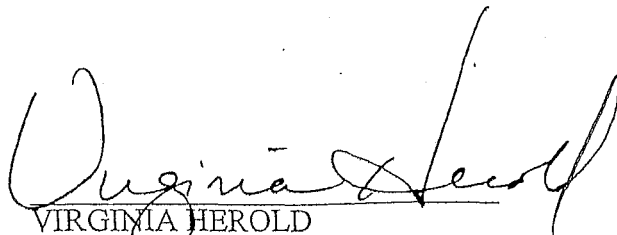
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

16 A. Revoking or suspending Pharmacy Technician Registration Number TCH
17 50820, issued to Jamila Killingsworth (Respondent);

18 B. Ordering Respondent to pay the Board reasonable costs of investigation
19 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

20 C. Taking such other and further action as is deemed necessary and proper.

21 DATED: 1/15/08

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25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant